

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1972.02
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	October 28, 2002
DATE OF REPORT:	November 22, 2002
REQUEST FOR RECONSIDERATION:	yes/no change
DATE OF CLOSURE:	January 31, 2003

COMPLAINT ISSUES:

Whether the Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP), as written.

511 IAC 7-27-4(c)(3) by failing to utilize the case conference committee (CCC) to develop strategies, including positive behavioral interventions and supports, to address the Student's behavior.

FINDINGS OF FACT:

1. The Student is 15 years old, attends grade 9, and qualifies for special education and related services under the category of emotional disability with learning disabilities.
2. The Complainant asserts that the School has failed to provide weekly reports regarding the Student's progress toward behavioral goals, as stated in the IEP dated October 4, 2002. The School has provided data and copies of the reports indicating the Complainant has received reports addressing the Student's goals at least weekly, except the two weeks the Student was suspended from school, from September 28 to November 8, 2002.
3. The Complainant asserts that the School has failed to provide homework and paperwork in the trapper keeper (folders), as stated in the IEP. The IEP dated October 10, 2002, states the following short-term instructional objective: "Use the trapper keeper and folders to assist in organizing assignments and homework each day. Trapper keeper will be sent home daily. This objective will be evaluated through staff observation or student report. Behavior consultation to carry out this goal will be provided." The weekly reports indicate the Student was encouraged by School staff to transport the folders, but the Student failed to consistently transport the folders from both school to home and from home to school. Neither the IEP list of adaptations and modifications to be provided for the student, nor the discussion summary states the staff are required to send the folders home.
4. The Complainant asserts the case conference committee (CCC) failed to develop strategies to address the Student's behavior, resulting in a series of suspensions totaling 9 days between September 4 and October 23, 2002, and a 10 day suspension beginning October 28, 2002. The CCC met on the following dates to review and revise the IEP, containing a behavior improvement plan, to address the Student's inappropriate behaviors: September 30, October 4, 11, 16, 23, and 31, and November 7, 2002. At each of the CCC

meetings, modifications were discussed or written into the behavior improvement plan, or changes were made in IEP related to the student's behavior improvement goals. A new behavior improvement plan was developed at the CCC meeting on November 7, 2002. Daily to weekly reports home indicate positive IEP behavioral strategies were employed by School staff, and revised IEPs were drafted by the School.

CONCLUSIONS:

1. Findings of Facts #2 and #3 indicate the Complainant received reports regarding the Student's progress toward behavioral goals at least weekly after this was written into the Student's IEP. Using the trapper keeper and folders to assist in organizing assignments is listed in the "Objectives" section of the IEP, which contain activities the Student is expected to demonstrate while working to achieve the overall academic goal, and support was provided by the School staff to assist the Student in achieving the objective. Therefore, no violation of 511 IAC 7-27-7(a) is found for failing to implement the Student's individualized education program (IEP) as written.
2. Findings of Fact #4 indicates the Student's IEP documented the CCC met 7 times between September 30 and November 7, 2002, to review and revise the Student's IEP, including the behavior intervention plan, and to develop and implement positive strategies to address behaviors which were resulting in a series of suspensions. Therefore, no violation of 511 IAC 7-27-4(c)(3) is found.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.